

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

**20.08.2025.
6
Ct.No.04.
as
(Partly
Allowed)**

C.R.M. (M) 201 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jaigaon P.S. Case No.253 of 2022 dated 21.10.2022 under Sections 363/354C of the Indian Penal Code adding Sections 365/376D of the Indian Penal Code corresponding to G.R. Case No.2418 of 2022.

In the matter of : **Nur Mohammad Miya @ Nur Islam & Anr.**
.... Petitioners.

Mr. Aniruddha Biswas,
Ms. Kanak Mishra,
Mr. Monoj Saha.

...for the Petitioners.

Mr. Nilay Chakraborty, Ld. A.P.P.,
Mr. Chattu Roy.

...for the State.

Ms. Angana Rakshit.

...for the de-facto complainant.

1. This application for bail has been preferred under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short, BNSS) in connection with Jaigaon P.S. Case No.253 of 2022 dated 21.10.2022 under Sections 363/354C of the Indian Penal Code adding Sections 365/376D of the Indian Penal Code corresponding to G.R. Case No.2418 of 2022.

2. Mr. Biswas, learned Advocate appearing for the petitioners, submits that petitioner No. 1 is the father-in-law of the victim and the petitioner no. 2 is an outsider. He submits that the petitioner no. 1 is an aged person and has been under incarceration for 528 days. He

points out that 16 witnesses have been cited in the charge-sheet and, even after three years, there is no likelihood of an early conclusion of the trial. He, therefore, submits that, in view of these facts, the prayer for bail of petitioners may be considered. He contends that no allegation under Section 376D of the Indian Penal Code has been leveled against petitioner No. 1.

3. Mr. Chakraborty, the learned Advocate representing the State, produces the case diary and relying upon the materials available in the Case Diary, opposes the prayer for bail.

4. In response to my query, Mr. Chakraborty submits that the charge-sheet against petitioner No. 1 has been filed under Sections 363/354C,/ 365 of the Indian Penal Code. He further submits that the allegation against petitioner No. 1 is that he sold the victim to a Bangladeshi national.

5. In reply, Mr. Biswas submits that the victim was recovered from Falakata, Alipurduar.

6. Ms. Rakshit, learned Advocate representing the de-facto complainant opposes the prayer for bail of the petitioners.

7. Heard the learned Advocates appearing for the respective parties and perused the case diary and other materials on record.

8. Upon perusal of the CD and other materials on record, I find that there are sufficient materials in the Case Diary indicating the complicity of the petitioner no. 2 in the alleged offence.

9. Therefore, the prayer for bail of the petitioner no. 2 is turned down.

10. I have carefully perused the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Considering the facts and circumstances of the case, and further noting that petitioner No. 1, being an aged person, has been in custody for more than 528 days, I am of the view that his further detention will not serve any purpose and would amount to pre-trial detention.

11. Hence, this application so far as the petitioner No.1 is concerned is allowed.

12. Accordingly, petitioner No. 1, viz., **Nur Mohammad Miya @ Nur Islam**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of Rs. 5,000/- each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipurduar, subject to the conditions that he shall not leave the jurisdiction of the trial court without its permission, shall appear before the trial court on every date of hearing until further orders, and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

13. In the event petitioner No. 1 fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law, without any further reference to this Court.

15. This application for bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)

